

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---------------------------------|---|--------------|
| KENNETH M. HARDY, Jr., GD-5323, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 2:13-cv-1352 |
| |) | |
| MARIROSA LAMAS, et al., |) | |
| Respondents. |) | |

MEMORANDUM and ORDER

Mitchell, M.J.:

Kenneth M. Hardy, an inmate at the State Correctional at Bellefonte has presented a petition for a writ of habeas corpus. For the reasons set forth below, the petition will be transferred forthwith to the United States District Court for the Middle District of Pennsylvania.

Hardy is presently serving an eighteen to forty year sentence imposed following his conviction in the Court of Common Pleas of Mifflin County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Mifflin County, which is located in the Middle District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 8th day of October, 2013 for the reasons set forth in the foregoing Memorandum, IT IS ORDERED that the above captioned case be transferred forthwith to the United States District Court of the District of Pennsylvania.

s/ Robert C. Mitchell
United States Magistrate Judge